

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICKEY NELSON SWIFT,

Plaintiff,

v.

Case No. 06-C-0954

**POLICE OFFICER HUTCHINSON,
POLICE OFFICER PENDERGAST,
DETECTIVE WARREN ALLEN,
POLICE OFFICER GOMEZ, and
POLICE OFFICER FRED JONES,**

Defendants.

DECISION AND ORDER

A review of this file discloses that defendants filed a motion for summary judgment on October 29, 2009. Court records indicate that copies of the motion and supporting documents were mailed to plaintiff on the same date.

Briefing schedules are set forth in Civil L.R. 7.1 (E.D. Wis.). Parties are expected to comply with the procedures and dates specified in the rule without involvement of the court. Plaintiff's response to that motion should have been filed on or before November 29, 2009.

Court records show that plaintiff has not filed any response to defendants' motion. Consequently, this action may be dismissed with prejudice for lack of prosecution, pursuant to Civil Local Rule 41.3 (E.D. Wis.) (copy enclosed) and Federal Rule of Civil Procedure 41(b), unless plaintiff responds to defendants' motion and/or establishes just cause for his failure to respond to said motion as required.

For the foregoing reasons,

IT IS THEREFORE ORDERED that this case is dismissed with prejudice, effective **Monday, January 11, 2010**, unless prior to said date plaintiff responds to defendants' motion for summary judgment.

Dated at Milwaukee, Wisconsin, this 11 day of December, 2009.

/s _____
LYNN ADELMAN
District Judge

Civil L.R. 41.3 Dismissal for Lack of Diligence

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.